

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.,

v.

**FRONTIER COMMUNICATIONS CORP.;
et al.,**

2:10-cv-00265

GEOTAG, INC.,

v.

AROMATIQUE, INC.; *et al.*,

2:10-cv-00570

GEOTAG, INC.,

v.

GUCCI AMERICA, INC.; *et al.*,

2:10-cv-00571

GEOTAG, INC.,

v.

RENT-A-CENTER, INC.; *et al.*,

2:10-cv-00573

GEOTAG, INC.,

v.

THE WESTERN UNION COMPANY; *et al.*,

2:10-cv-00574

GEOTAG, INC.,

v.

ROYAL PURPLE, INC.; *et al.*,

2:10-cv-00575

GEOTAG, INC.,

v.

YAKIRA, L.L.C.; et al.,

2:10-cv-00587

GEOTAG, INC.,

v.

WHERE 2 GET IT, INC.; et al.,

2:11-cv-00175

GEOTAG, INC.,

v.

CANON INC. AND CANON U.S.A., INC.,

2:12-cv-00043

GEOTAG, INC.,

v.

HANESBRANDS INC.

2:12-cv-00471

GEOTAG, INC.,

v.

J. CREW GROUP INC.

2:12-cv-00474

GEOTAG, INC.,

v.

SALLY BEAUTY SUPPLY LLC

2:12-cv-00544

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE
 DEFENDANT iCIMS, INC. AND CERTAIN CLAIMS AGAINST
 DEFENDANTS WHO ARE CUSTOMERS OF iCIMS, INC.**

Plaintiff GeoTag Inc. and iCIMS, Inc., (“iCIMS”) pursuant to FED. R. CIV. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action asserted between them WITH PREJUDICE with GeoTag and iCIMS to bear their own costs, expenses and attorneys’ fees.

In addition, iCIMS represents that the following defendants in the above captioned actions are customers of iCIMS who use, purchase, or sell iCIMS products or services (collectively referred to as “iCIMS Customers”):

Case	iCIMS Customer
2:10-cv-00265 TXED GeoTag v. Frontier Communications	Yellow Book USA, Inc.
2:10-cv-00570 TXED GeoTag v. Aromatique Inc.	Gander Mountain Company
2:10-cv-00571 TXED GeoTag v. Gucci America Inc.	Leslie’s Poolmart, Inc. d/b/a Leslie’s Poolmart d/b/a Leslie’s Swimming Pool Supplies d/b/a Leslie’s Barnes & Noble.com Tiffany & Company
2:10-cv-00574 TXED GeoTag v. Western Union Company	Whole Foods Market IP, LP; Whole Foods Market Services, Inc.; Whole Foods Market, Inc. (terminated 3/07/11); Whole Foods, Inc. (terminated 3/07/11)
2:10-cv-00575 TXED GeoTag v. Royal Purple, Inc.	Rite Aid Corporation Terex Corp.
2:10-cv-00573 TXED	Enterprise Holding, Inc.;

Case	iCIMS Customer
GeoTag v. Rent-A-Center Inc.	Enterprise Rent-A-Car Company The Hertz Corp. d/b/a Hertz Corp. d/b/a Hertz Car Rental
2:10-cv-00587 TXED GeoTag v. Yakira, LLC	GNC Nutrition Centers (terminated 7/26/11) d/b/a GNC New York & Company, Inc.
2:11-cv-00175 TXED GeoTag v. Where 2 Get It Inc.	Carhartt, Inc. Moen, Inc. (terminated 8/08/11)
2:12-cv-00043 TXED GeoTag v. Canon Inc.	Canon Inc., Canon USA, Inc.
2:11-cv-00544 TXED GeoTag v. Sally Beauty Supply, LLC	Sally Beauty Supply, LLC
2:12-cv-00471 TXED Geotag v. Hanesbrands, Inc.	Hanesbrands, Inc.
2:12-cv-474 TXED Geotag v. J. Crew Group, Inc.	J. Crew Group, Inc.

Based upon this representation, GeoTag and iCIMS move this Court for an order dismissing all claims of infringement against the above identified iCIMS Customers directed solely to the use, manufacture, purchase, or sale of any iCIMS product or service, namely iCIMS job locator product and services, with each respective party (including, but not limited to, GeoTag, iCIMS, and iCIMS customers) to bear its own costs, expenses and attorneys' fees for the dismissed claims.

This dismissal of only certain claims against the above identified iCIMS Customers does not resolve all issues between GeoTag and the iCIMS Customers because the dismissal only applies to claims directed to the use, manufacture, purchase,

or sale of iCIMS products or services, namely iCIMS job locator product and services. GeoTag explicitly maintains its claims against the iCIMS Customers that are not directed to the use, manufacture, purchase, or sale of any iCIMS product or service (“Non-iCIMS Claims”). These Non-iCIMS Claims include all accusations of infringement that do not include an accusation directed to an iCIMS product or service. Therefore, because GeoTag’s Non-iCIMS Claims remain in the respective cases against the above identified iCIMS Customers, this dismissal is not a complete resolution of issues between GeoTag and the iCIMS Customers, and does not result in the dismissal of the above identified iCIMS Customers from their respective cases.

DATED November 12, 2012.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed electronically pursuant to Local Rule CV-5(a) and that a copy of this document was served upon all counsel of record pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5(b) (1) via the Court's CM/ECF on this 12th day of November, 2012.

/s/ David R. Bennett

David R. Bennett